

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

265-94

**Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To Delist the Plant *Potamogeton clystocarpus* (Little Aguja Pondweed)****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to delist the endangered plant *Potamogeton clystocarpus* (Little Aguja pondweed) under the Endangered Species Act of 1973, as amended. This plant occurs only in Jeff Davis County, Texas. The Service finds that the petition did not present substantial scientific or commercial information indicating that delisting this species may be warranted.

**DATES:** The finding announced in this document was made on November 25, 1994.

**ADDRESSES:** Data, information, comments, or questions concerning this petition should be submitted to the State Administrator, U.S. Fish and Wildlife Service, 611 East 6th Street, Room 407, Austin, Texas 78701. The petition finding and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Kennedy, Botanist, at the above address (telephone 512/482-5436; facsimile 512/482-5442).

**SUPPLEMENTARY INFORMATION:****Background**

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and the finding is to be published promptly in the **Federal Register**. If the finding is that substantial information was presented, the Service also is required to promptly commence a review of the status of the species involved.

The Service has made a 90-day finding on a petition to delist

*Potamogeton clystocarpus* (Little Aguja pondweed). The petition, dated February 9, 1994, was submitted by Mr. Topper Frank, representing the Davis Mountains Trans-Pecos Heritage Association, and was received by the Service on February 11, 1994. The petition was combined with comments submitted on the draft Little Aguja Pondweed (*Potamogeton clystocarpus*) Recovery Plan (U.S. Fish and Wildlife Service 1993). The petitioner contends that threats to the species identified at the time of listing were highly speculative, improbable, and had no factual basis. The petitioner disagreed that dam construction or chemical contamination could occur, stated that the threats of drought and flooding cannot be controlled, and stated that the Service presented no evidence that the status of the plant is significantly different than it ever was. The petition included no scientific or commercial data to support the delisting request, nor were any supporting documents attached.

The Service has reviewed the petition, other literature, and information available in the Service's files. On the basis of the best scientific and commercial information available, the Service finds the petition does not present substantial information that delisting this species may be warranted.

*Potamogeton clystocarpus* is known from a single intermittent stream in Little Aguja Canyon in the Davis Mountains, Jeff Davis County, Texas. The only precisely recorded locality for the species is on the Buffalo Trails Boy Scout Ranch (Scout Ranch) owned by the Buffalo Trail Council, Inc., Boy Scouts of America. This population has been periodically observed by botanists (Texas Natural Heritage Program, pers. comm. 1992; Rowell 1983) and was last verified in late 1989 or 1990 (C. Rowell, Marfa, Texas, pers. comm. 1992). Severe flooding occurred in the Canyon in 1991 and 1992 (D. Damon, Scout Ranch manager, pers. comm. 1992). In 1992 botanists from the Service and from Mercer Arboretum, Houston, Texas, searched the Scout Ranch, but could not locate the species. The Service has been unable to gain access to search for the species on other private property in the Little Aguja Creek area. However, Wooley (1994) reports a recent unsuccessful search by another botanist on property adjacent to the Scout Ranch. While the Service is extremely concerned at the failure to locate the species recently, it is hopeful the species may still exist if a few plants were overlooked or if the species is able to re-establish from seeds or vegetative propagules remaining in the streambed.

The Little Aguja Pondweed (*Potamogeton clystocarpus*) Recovery Plan (U.S. Fish and Wildlife Service 1994) establishes a search schedule for the species. Annual searches will be conducted for 13 years and two additional searches will be done at 3 year intervals. If no populations are discovered during this period, Little Aguja pondweed will be considered for delisting due to extinction.

The final rule listing *Potamogeton clystocarpus* as an endangered species was published in the **Federal Register** on November 14, 1991 (56 FR 57844). The Service finds that all of the threats identified in the final rule remain a concern. These threats included periodic extreme flood and drought; modification or loss of habitat through physical changes in creek configuration such as dams, impoundments, or flood control structures; reduction of water supply from wells, spring capture, or diversion projects; and changes in water quality from pollution through increased livestock or wildlife numbers in nearstream areas, siltation, or chemical contamination. Some of these threats are potential rather than immediate, and may occur infrequently. However, due to its low population numbers, the species is vulnerable to extinction from even occasional detrimental events. Identification of potential threats is essential in the listing determination and in later species protection. Identification of potential threats alerts agencies, landowners, and managers about concerns so advance planning can be done. Protective management practices developed and implemented cooperatively can then prevent serious damage to the species.

**References Cited**

- Rowell, C.M., Jr. 1983. Status report. *Potamogeton clystocarpus* Fern. U.S. Fish and Wildlife Service, Albuquerque, New Mexico.
- U.S. Fish and Wildlife Service. 1993. Draft Little Aguja Pondweed (*Potamogeton clystocarpus*) Recovery Plan. U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 54 pp.
- U.S. Fish and Wildlife Service. 1994. Little Aguja Pondweed (*Potamogeton clystocarpus*) Recovery Plan. U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 78 pp.
- Wooley, B. 1994. Wide-open standoff. Dallas Life Magazine. January 16, 1994. pp. 9-12, 16, 18.

**Author**

The primary author of this document is Kathryn Kennedy (see **ADDRESSES** section).

**Authority**

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: November 25, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 94-32015 Filed 12-28-94; 8:45 am]

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**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; Public Hearing and Extension of Comment Period on Proposed Endangered Status for Four Plants and Threatened Status for Six Plants From the Foothills of the Sierra Nevada Mountains of California**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; notice of public hearing and reopening of comment period.

**SUMMARY:** The Fish and Wildlife Service (Service) provides notice that a public hearing will be held on the proposed determination of endangered status for *Brodiaea pallida* (Chinese Camp brodiaea), *Calyptidium pulchellum* (Mariposa pussypaws), *Lupinus citrinus* var. *deflexus* (Mariposa lupine), and *Mimulus shevockii* (Kelso Creek monkeyflower), and threatened status for *Allium tuolumnense* (Rawhide Hill onion), *Carpenteria californica* (carpenteria), *Clarkia springvillensis* (Springville clarkia), *Fritillaria striata* (Greenhorn adobe lily), *Navarretia setiloba* (Piute Mountains navarretia), and *Verbena californica* (Red Hills vervain). In addition, the Service has reopened the comment period. All parties are invited to submit comments on this proposal.

**DATES:** The public hearing will be held from 2:00 to 4:00 p.m. and 6:00 to 8:00 p.m. on January 31, 1995, in Bakersfield, California. The comment period, which originally closed on December 5, 1994, now closes on February 13, 1995. Any comments received after the closing date may not be addressed in the final decision on this proposal.

**ADDRESSES:** The public hearing will be held at the Red Lion Hotel, 3100 Camino del Rio Court, Bakersfield, California. Comments and materials should be submitted to the U.S. Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, E-1803, Sacramento, California 95825-1846. Comments and materials received will be available for public inspection during

normal business hours, by appointment, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Ken Fuller (see ADDRESSES section) or at 916/979-2122.

**SUPPLEMENTARY INFORMATION:****Background**

*Allium tuolumnense*, *Brodiaea pallida*, *Calyptidium pulchellum*, *Carpenteria californica*, *Clarkia springvillensis*, *Fritillaria striata*, *Lupinus citrinus* var. *deflexus*, *Mimulus shevockii*, *Navarretia setiloba*, and *Verbena californica* are plant species found in the foothills of the Sierra Nevada Mountains of California. These ten plants are restricted to various substrate-specific habitats in Fresno, Kern, Madera, Mariposa, Tulare, and Tuolumne Counties. These plants face ongoing threats from one or more of the following: urbanization, inadequate regulatory mechanisms, random stochastic events, off-highway vehicle use, logging, overgrazing, illegal dumping, alteration of natural fire regimes, maintenance of roads and rights-of-ways, insect predation, agricultural land conversion, mining, proposed highway projects, and competition from brush species and nonnative grass species.

On October 4, 1994, the Service published a proposed rule to list *Brodiaea pallida* (Chinese Camp brodiaea), *Calyptidium pulchellum* (Mariposa pussypaws), *Lupinus citrinus* var. *deflexus* (Mariposa lupine), and *Mimulus shevockii* (Kelso Creek monkeyflower) as endangered, and list *Allium tuolumnense* (Rawhide Hill onion), *Carpenteria californica* (carpenteria), *Clarkia springvillensis* (Springville clarkia), *Fritillaria striata* (Greenhorn adobe lily), *Navarretia setiloba* (Piute Mountains navarretia), and *Verbena californica* (Red Hills vervain) as threatened (58 FR 50540). Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*) requires that a public hearing be held if it is requested within 45 days of the publication of the proposed rule. Public hearing requests were received several requestors. As a result, the Service has scheduled a public hearing on January 31, 1995, at the Red Lion Hotel in Bakersfield, California. Anyone wishing to make statements for the record should bring a written copy of their statements to the hearing. Oral statements may be limited in length if the number of parties present at the hearing necessitates such a limitation. Oral and written comments received equal consideration. The Service places no limits on the length of written comments or materials

presented at the hearing or mailed to the Service.

The comment period on the proposal originally closed on December 5, 1994. To accommodate the hearing, the Service reopens the public comment period. Written comments may now be submitted until February 13, 1995, to the Service in the ADDRESSES section.

**Author**

The primary author of this notice is Ken Fuller (see ADDRESSES section).

**Authority**

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

Dated: December 22, 1994.

H. Dale Hally,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 94-32032 Filed 12-28-94; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Parts 672 and 675**

[Docket No. 941253-4353; I.D. 120594A]

RIN 0648-AG95

**Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; proposed 1995 specification of Pacific halibut bycatch allowances; request for comments.

**SUMMARY:** NMFS proposes regulations to revise the management of seasonal Pacific halibut bycatch allowances annually specified for nontrawl fisheries in the Bering Sea and Aleutian Islands management area (BSAI). This proposed rule also would provide the authority to determine annually whether to apportion a halibut bycatch allowance to the BSAI jig gear fishery or the BSAI or Gulf of Alaska (GOA) hook-and-line gear fisheries for sablefish, or to exempt these fisheries from halibut bycatch restrictions. In order not to delay the promulgation of timely specifications for the 1995 fishing year that would be consistent with the adoption of the proposed regulations, this notice proposes halibut bycatch allowances for the 1995 GOA hook-and-line gear fisheries and the 1995 BSAI nontrawl!